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10
11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 GOLDEN ENTERTAINMENT, INC.,

14 Plaintiff,

15 vs.

16 FACTORY MUTUAL INSURANCE
17 COMPANY,

18 Defendant.

Case No.: 2:21-cv-00969-CDS-EJY

**JOINT STIPULATION TO CONTINUE THE
FILING DATE FOR FACTORY MUTUAL
INSURANCE COMPANY'S MOTION TO
DISMISS IN LIGHT OF PLAINTIFF
GOLDEN ENTERTAINMENT, INC.'S
INTENTION TO SEEK LEAVE TO FILE A
SECOND AMENDED COMPLAINT**

1 Plaintiff Golden Entertainment, Inc. (“Golden”) has advised defendant Factory Mutual
2 Insurance Company (“FMIC”), that Golden intends to seek leave to file a second amended
3 complaint. As such, the parties, by and through their respective counsel of record, hereby stipulate
4 as follows:

5 WHEREAS, the current deadline for FMIC to file its renewed motion to dismiss is
6 November 20, 2023 (ECF Nos. 83, 84 and 85);

7 WHEREAS, Golden intends to file a motion on or before November 20, 2023 seeking leave
8 to file a second amended complaint in this matter;

9 WHEREAS, FMIC (having not yet seen the proposed amended complaint) intends to
10 oppose Golden’s motion for leave to file a second amended complaint;

11 WHEREAS, Golden and FMIC agree that it would be in the interests of the parties and this
12 Court to have the issue of Golden’s proposed amendment resolved before FMIC is required to file
13 its motion to dismiss a complaint that may or may not become inactive in the near future; and

14 WHEREAS, this is the first stipulation for extension of time to file motions since the stay
15 was lifted in this matter and Joint Proposed Discovery Plan and Scheduling Order was adopted
16 (ECF No. 85);

17 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties that:

- 18 1. Golden’s motion seeking leave to file a second amended complaint in this matter shall
19 be filed on or before November 20, 2023;
- 20 2. The current deadline for FMIC to file its renewed motion to dismiss is vacated; and
- 21 3. FMIC shall file its renewed motion to dismiss within 45 days of the Court’s order
22 granting or denying Golden’s motion for leave to file a second amended complaint.

1 Dated: November 13, 2023

2 LATHAM & WATKINS LLP

3 By: /s/ Brook B. Roberts

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9 *Attorneys for Plaintiff*
10 *Golden Entertainment, Inc.*

11 Dated: November 10, 2023

12 WEINBERG, WHEELER, HUDGINS,
13 GUNN & DIAL, LLC

14 By: /s/ Ryan T. Gormley

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Factory Mutual Insurance Company

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20 **IT IS SO ORDERED.**

21 

22 **HON. ELAYNA J. YOUCHAH**

23 **U.S. MAGISTRATE JUDGE**

24 **Dated: November 14, 2023**